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## COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled CRYO-TEMPERATURE MONITORING the specification of which (check one):

  X   is attached hereto  
\_\_\_\_ was filed on  
as U.S. Application  
Serial No.  
\_\_\_\_ and was amended on (if  
applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

### Prior Foreign Application(s)

Number :  
Country :  
Day/Month/Year Filed :  
Priority (yes/no) :

Number :  
Country :  
Day/Month/Year Filed :  
Priority (yes/no) :

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) as listed below:

Provisional Application No. :  
Filing Date :

Provisional Application No. :  
Filing Date :

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international applications designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 and that which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. :  
Filing Date :  
Status (patented, pending, abandoned) :

Application Serial No. :  
Filing Date :  
Status (patented, pending, abandoned) :

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

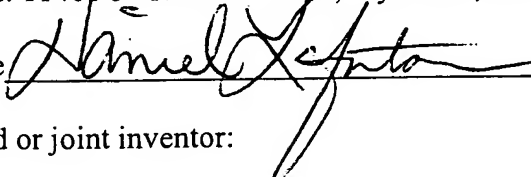
David M. Crompton, Reg. No. 36,772;  
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Send correspondence to:

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CROMPTON, SEAGER & TUFTE, LLC  
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(612) 677-9050

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor: Daniel M. Lafontaine  
Residence: 11400 5<sup>th</sup> Avenue North, Plymouth, Minnesota 55441      Citizenship: U.S.  
Post Office Address: 11400 5<sup>th</sup> Avenue North, Plymouth, Minnesota 55441

Inventor's Signature  Date 12/12/01

Full name of second or joint inventor:  
Residence:      Citizenship:  
Post Office Address:

Inventor's  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Full name of third or joint inventor:  
Residence:      Citizenship:  
Post Office Address:

Inventor's  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Full name of fourth or joint inventor:  
Residence:      Citizenship:  
Post Office Address:

Inventor's  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claims patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel M. Lafontaine                      Art Unit : Unknown  
Serial No. : 10/024,899                                  Examiner : Unknown  
Filed : December 18, 2001  
Title : CRYO-TEMPERATURE MONITORING

Commissioner for Patents  
Washington, D.C. 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) SCIMED LIFE SYSTEMS, INC., a Minnesota Corporation, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012397, Frame 0916 on December 18, 2001. The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the application and appoints:

Mark S. Ellinger, Ph.D., Reg. No. 34,812	Dorothy P. Whelan, Reg. No. 33,814
Wayne E. Willenberg, Reg. No. 28,488	Chad A. Hanson, Ph.D., Reg. No. 44,737
Richard J. Anderson, Reg. No. 36,732	Greg A. McAllister, Reg. No. 47,779
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Ronald C. Lundquist, Ph.D., Reg. No. 37,875	John Hayden, Reg. No. 37,640
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J. Patrick Finn III, Ph.D., Reg. No. 44,109	Luke R. Dohmen, Reg. No. 36,783
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Arlene Hornilla, Reg. No. 44,776	Todd P. Messal, Reg. No. 42,883
Greg H. Gardella, Reg. No. 46,045	Pete J. Gafner, Reg. No. 36,517
Monica McCormick Graham, Ph.D., Reg. No. 42,600	
Robert M. Rauker, Reg. No. 40,782	

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 10, 2002

Date of Deposit

Heidi Bathrick

Signature

Heidi Bathrick

Typed or Printed Name of Person Signing Certificate

Applicant : Daniel M. Lafontaine  
Serial No. : 10/024,899  
Filed : December 18, 2001  
Page : 2

Attorney's Docket No.: 10527-437001 / 00-0301

with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the application should be sent to:

Stephen R. Schaefer  
Reg. No. 37,927  
FISH AND RICHARDSON, P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 9-26-02



Luke Dohmen

Title: Vice President and Chief Patent  
Counsel, Cardiology, and Secretary

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